



**Division of the
Superintendent**

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TO: **Board of Education**
FROM: **Rico Munn, Superintendent**
DATE: **January 17, 2019**
SUBJECT: **HTS Advisory Opinion**

Issue Presented and Recommendation

On January 9, 2018 I proposed that the District fund and implement a one year pilot program targeted at “hard to fill” positions and “hard to staff” schools. Through the pilot, these educators in “hard to fill” positions in “hard to staff” schools would receive additional compensation to their regular salaries. On January 23, 2018, the Board approved funds for the pilot. The pilot was completed on August 31, 2018.

On March 15, 2018 the Aurora Education Association (AEA) filed a grievance against the pilot program. On January 7, 2019 an arbitrator issued an advisory opinion to the Board, siding with AEA. The Advisory Opinion recommends that the District cease any further implementation of the pilot; and, that the District agree to bargain over any future program to increase compensation.

The pilot was completed in August 2018; and, prior to that, in June 2018 the District agreed to bargain a new compensation plan including, as appropriate, the terms of a “hard to staff” construct. In short, the issues raised in and recommendations of the Advisory Opinion are no longer relevant.

Given that all of the issues before you are moot, I recommend the Board formally receive, but, decline to take any additional action related to the Advisory opinion. Alternatively, the Board could adopt the recommendations of the Advisory Opinion but decline to adopt, wholesale, its underlying reasoning.

Background

APS is committed to attracting and retaining high-quality educators to ensure that our students benefit from the high-quality instruction and supports they need to shape successful futures. Across the country and locally, there are particular content areas and support functions that school systems struggle to fill year after year. As a result, positions remain unfilled well into the school year as learning and support for our students has already begun, making it more difficult for students, teachers and families. For some of our support service provider positions, this often means contracting with a third-party organization, at greater cost, to ensure we have the providers necessary and/or required to meet student needs.

Most of the school districts in the metro area provide for some kind of differentiated pay to address “hard to fill” positions. Metro area districts that provide additional compensation for these positions include: Adams 12, Adams 14, Boulder Valley, Brighton, Cherry Creek, Denver, Douglas County, JeffCo, Littleton, Mapleton, St. Vrain and Westminster.

In an effort to improve APS' ability to compete in this marketplace and to provide increased compensation that aligns with student need, I have put forward four proposals in recent memory as a mechanism to increase and differentiate pay for staff in key areas. While AEA has recognized the need for a differentiated pay structure for teachers, it has opposed efforts to expand the pool of teachers who can take advantage of this construct.

Paris

In 2015, I proposed and implemented the Paris retention pilot program. AEA contested the effort to recognize the importance of staff retention at one of our most impacted schools. Following the Board's adoption of the Advisory opinion in the Paris matter, APS made a second attempt at this approach through negotiations with AEA. AEA took the position that APS should provide increased compensation for teachers rated "not effective." As this approach did not align with student need, no terms were reached.

Hard to Staff Task Force

In the 2015 bargaining process AEA proposed a construct where APS would compensate one category of teachers more than other teachers. In other words, AEA proposed, and APS agreed, to a framework for differentiated pay for one category of teachers. The AEA initiated construct was based upon the determination that this category of teachers faced unique issues in serving students. APS agreed to AEA's proposal and its subsequent updates in 2017 and 2018.

Given AEA's recognition of the different challenges faced by different teachers, APS worked with AEA representatives to form a task force to look at a "hard to staff" construct. In 2016, after nearly a year of work, the task force presented its proposal to the APS and AEA bargaining teams. AEA did not indicate any interest in addressing this issue through the bargaining process.

Hard to Staff Pilot

Given the success of the AEA initiated differentiated pay construct, and the unexpected availability of one-time funds, in late 2017, I notified AEA that we would pursue a pilot program in this area. This program is the subject of the current Advisory Opinion. Rather than committing long term resources to an unproven concept in APS, this pilot attempted to use one-time funds as a way to validate this approach to recruit and retain teachers.

The Board will hear the results of the completed pilot at one of its upcoming meetings. The pilot was an important evaluative step.

Conclusion

While the terms of this present grievance and Advisory Opinion are no longer relevant, it is important that the Board understand the recent history of APS' efforts to respond to critical needs and to prioritize compensation for teachers. Further I believe it is important that the Board receive without adopting the full Advisory Opinion.

I am concerned that the Advisory Opinion supports a false narrative that APS has been unwilling to negotiate this important issue with AEA. As you can see from the above, APS has made multiple good faith efforts to work with AEA on this issue. I am hopeful that the agreement reached last summer to once again discuss this important tool will be met by a good faith response.